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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1937

No. 135

FRANK PALKO, APPELLANT,

vs.

STATE OF CONNECTICUT

APPEAL FROM THE SUPREME COURT OF ERRORS OF THE STATE OF CONNECTICUT

FILED JUNE 11, 1937.

SUPREME COURT OF THE UNITED STATES

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INDEX.

	Original	Print
Proceedings in Supreme Court of Errors of Connecticut	1	1
Petition for appeal	1	1
Order allowing appeal	3	2
Petition for supersedeas and stay of execution	5	3
Order granting supersedeas and stay of execution	7	4
Assignments of error and prayer for reversal	9	5
Bond on appeal (omitted in printing)	12	
Citation (omitted in printing)	14	
Record from Superior Court of Fairfield County	16	7
Indictment	16	7
Docket entries	17	7
Judgment file	18	8
Finding	21	9
Assignments of error	24	11
Opinion, Brown, J., July 30, 1936	25	12
Opinion, Avery, J., April 7, 1937	37	21
Judgment	49	30
Death warrant	50	31
Reprieve	53	33
Second reprieve	56	35
Docket entries	58	37
Stipulation re transcript of record	59	38
Clerk's certificate (omitted in printing)	63	
Statement of points to be relied upon and designation as to printing record	64	40

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—1661

[fol. 1]

IN SUPREME COURT OF THE UNITED STATES

STATE OF CONNECTICUT, Appellee,

vs.

FRANK PALKO, Appellant

PETITION FOR APPEAL—Filed May 11, 1937

To the Honorable William M. Maltbie, Chief Justice of the Supreme Court of Errors of the State of Connecticut:

Your petitioner, Frank Palko, respectfully represents:

1. That he is the appellant in the above entitled cause;

2. That the appeal to the Supreme Court of Errors of the State of Connecticut in said cause was from a verdict, sentence, and judgment fixing the penalty of death by electrocution upon the petitioner in a criminal action in the Superior Court for Fairfield County, Criminal Side, in the case of the State of Connecticut vs. Frank Palko;

3. That upon appeal from such judgment by the petitioner to the said Supreme Court of Errors of the State of Connecticut, such court being the highest court of law and equity in the State of Connecticut in which a decision of the matters in controversy could be had, the judgment appealed from was in all respects affirmed by the final [fol. 2] judgment entered in the said Supreme Court of Errors on March 4, 1937;

4. That there is error in the final judgment and record of proceedings in this cause in the said Supreme Court of Errors of the State of Connecticut, whereby your petitioner is aggrieved in that in the decision and judgment of said court there was drawn in question the validity of a statute of the State of Connecticut, namely Section 6494 of the General Statutes of the State of Connecticut, Revision of 1930, on the grounds of its being repugnant to and in contravention of, the due process of law clause and the privileges and immunities clause of section one of the Fourteenth Amendment of the Constitution of the United States; and that the decision and judgment of said court was in favor of the validity of such statute;

Wherefore, your petitioner prays for the allowance of an appeal from the aforesaid final judgment of the Supreme Court of Errors of the State of Connecticut against the petitioner to the Supreme Court of the United States in order that the decision and judgment of the Supreme Court of Errors of the State of Connecticut may be examined and reversed; and further prays that a transcript of the record, proceedings, and papers in this cause, duly authenticated by the clerk of the Supreme Court of Errors of the State of Connecticut may be sent to the Supreme Court of the United States as provided by law.

Your petitioner further prays that an order issue fixing and approving the amount of a bond with surety as security for costs upon said appeal.

The errors upon which petitioner claims to be entitled [fol. 3] to an appeal are those more fully set out in the assignments of error filed herewith.

Dated at Bridgeport, Connecticut, this 10th day of May, 1937.

The Petitioner, Frank Palko, by David Goldstein, His Attorney.

[File endorsement omitted.]

IN SUPREME COURT OF THE UNITED STATES

ORDER ALLOWING APPEAL—Filed May 11, 1937

Now comes the petitioner, Frank Palko, in the above entitled cause, having prayed for the allowance of an appeal in this cause to the Supreme Court of the United States from the final judgment rendered in the above entitled case by the Supreme Court of Errors of the State of Connecticut on March 4, 1937, and having presented and filed his petition for the allowance of an appeal, his assignment of errors, and his prayer for reversal, together with a statement as to the jurisdiction upon appeal of the Supreme Court of the United States to review said judgment pursuant to the laws of the United States of America and the rules of the Supreme Court of the United States; it is hereby

Ordered that an appeal be, and the same is hereby, allowed to the Supreme Court of the United States from the

final judgment of the Supreme Court of Errors of the State of Connecticut in the above entitled cause; and it is further

Ordered that the clerk of said Supreme Court of Errors [fol. 4] of the State of Connecticut shall prepare and certify a transcript of the record, proceedings, and judgment in this cause, or such portions thereof as may be requested by the præcipes or the stipulations of the parties, and transmit the same to the clerk of the Supreme Court of the United States, so that the latter shall have and receive said papers in the Supreme Court of the United States within forty (40) days from the date hereof; and it is further

Ordered that the bond with surety for costs on appeal be, and hereby is, fixed in the sum of $500.00/100.

Dated at Hartford, Connecticut, this 10th day of May, 1937.

Wm. M. Maltbie, Chief Justice of the Supreme Court of Errors of the State of Connecticut.

[fol. 5] IN SUPREME COURT OF THE UNITED STATES

[Title omitted]

PETITION FOR A SUPERSEDEAS AND STAY OF EXECUTION—
Filed May 11, 1937

To the Honorable William M. Maltbie, Chief Justice of the Supreme Court of Errors of the State of Connecticut:

The petitioner and appellant in the above entitled cause hereby represents the following facts:

1. That on the 10th day of May, 1937, an order granting leave to the petitioner and appellant to appeal from the final judgment dated March 4, 1937, of the Supreme Court of Errors of the State of Connecticut to the Supreme Court of the United States was issued by the Honorable William M. Maltbie, Chief Justice of the Supreme Court of Errors of the State of Connecticut.

2. That in accordance with a reprieve of his Excellency, Wilbur C. Cross, Governor of the State of Connecticut,